IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

ANDERS TRONSEN,	*	Case No. 3:08-CV-148
Plaintiff	*	JUDGE: CARR
	*	
vs.	*	**DEFENDANT'S MOTION FOR LEAVE TO FILE MEMORANDUM IN OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**
TOLEDO-LUCAS COUNTY PUBLIC LIBRARY	*	
Defendant	*	Julia R. Bates Lucas County Prosecuting Attorney By: John A. Borell (0016461) Karlene D. Henderson(0076083) Assistant Prosecuting Attorneys Lucas County Courthouse, Suite 250 Toledo, Ohio 43624 Phone: (419) 213-2001 Fax: (419) 213-2011 E-mail: JABorell@co.lucas.oh.us Counsel for Defendant
	*	

In accordance with this Court's Order of April 14, 2008, the defendant herein seeks leave to file a memorandum in opposition to plaintiff's motion for file an amended complaint. If granted, the defendant's opposition would establish that the filing of an amended complaint, as proposed by the plaintiff, would be

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futile.[1]

Thus, the defendant herein requests that it be granted leave to file a memorandum in opposition.

Respectfully submitted

JULIA R. BATES
LUCAS COUNTY PROSECUTING ATTORNEY

By: /s/ John A. Borell
John A. Borell
Karlene D. Henderson
Assistant Prosecuting Attorneys
Counsel for Defendant

[1] The proposed amended complaint seeks to assert a due process claim. The alleged due process claim is based solely on the allegation that the defendant did not mail the notice of violation, which included the right to appeal, until after the expiration of the seven day time limit to appeal. However, the defendant's policy states that an appeal may be submitted within seven days of **RECEIPT** of the letter. (The Library's written policies and procedures were attached to the memorandum in opposition to the motion for a temporary restraining order.) Thus, the date of mailing is irrelevant to determining the time limit for the administration appeal.

CERTIFICATION

A copy of the foregoing Motion for Leave was sent by email and regular mail to the plaintiff on the 29th day of April, 2008.

/s/ John A. Borell
John A. Borell
Assistant Prosecuting Attorney
Counsel for Defendant